

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NATIONAL RIFLE ASSOCIATION OF
AMERICA, §

Plaintiff and Counter-Defendant, §

v. §

Case No. 3:19-cv-02074-G

ACKERMAN MCQUEEN, INC., §

Defendant and Counter-Plaintiff, §

and §

MERCURY GROUP, INC., HENRY
MARTIN, WILLIAM WINKLER, AND
MELANIE MONTGOMERY §

Defendants. §

**APPENDIX IN SUPPORT OF PLAINTIFF NATIONAL RIFLE ASSOCIATION OF
AMERICA'S OPPOSITION TO DEFENDANT ACKERMAN MCQUEEN, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

The National Rifle Association of America (the “NRA”) offer the following evidence
in Support of its Opposition to Defendant’s Motion for Partial Summary Judgment.

EX	DESCRIPTION	APP
	Declaration of Cecelia L. Fanelli, dated December 20, 2021	App.00001- App.00008
1	Declaration of Michael Erstling, dated April 29, 2020 (<i>Filed under seal</i>)	App.00009- App.00013
2	Services Agreement between the NRA and AMc, dated April 30, 2017 (<i>Filed under seal</i>)	App.00014- App.00025
3	First Amendment to the Services Agreement between the NRA and AMc, dated May 6, 2018 (<i>Filed under seal</i>)	App.00026- App.00028
4	Services Agreement between the NRA and AMc, dated May 1, 1999 (<i>Filed under seal</i>)	App.00029- App.00041

5	2018 and 2019 Budget Comparisons spreadsheet (AMcTX-00065376-91)	App.00042- App.00058
6	Rebuttal Expert Report of Dr. Richard Bergin, dated July 1, 2021 (<i>Filed under seal</i>)	App.00059- App.00115
7	Deposition transcript of Richard Bergin, dated August 20, 2021 (<i>Filed under seal</i>)	App.00116- App.00158
8	Deposition transcript of Wayne LaPierre, dated September 24, 2019 (<i>Filed under seal</i>)	App.00159- App.00309
9	Deposition transcript of Melanie Montgomery, dated August 6, 2021 (<i>Filed under seal</i>)	App.00310- App.00371
10	Deposition transcript of Jonathan E. Hochman, dated August 10, 2021 (<i>Filed under seal</i>)	App.00372- App.00439
11	Declaration of Grant Spofford, dated December 20, 2021 (<i>Filed under seal</i>)	App.00440- App.00617
12	Letter from C. Fanelli to B. Mason regarding Third-Party Production From Google Inc., dated October 28, 2021 (AMcTX-00059567-AMcTx-00059569) (<i>Filed under seal</i>)	App.00618- App.00623
13	NRATV Video Analytics Dashboard – Solutions Overview Powerpoint Presentation (AMc-002656-85)	App.00624- App.00654
14	NRATV Year 1 Analytics & Valuation, dated January 3, 2018 (AMcTX-00064865)	App.00655- App.00713
15	NRA America's most Patriotic Brand AMc-002956 (AMc-002956)	App.00714- App.00749
16	NOIR 2017 Metrics NRATV (AMcTX-00014990)	App.00750- App.00840
17	Email chain from Eric Wang to Jesse Greenberg, regarding NRATV Monetization Presentation, dated March 3, 2018 (AMcTX-00004485) (<i>Filed under seal</i>)	App.00841- App.00867
18	Deposition transcript of AMc's 30(b)(6) Corporate Representatives, dated August 4, 2021 (<i>Filed under seal</i>)	App.00868- App.00935
19	Letter from Cecelia L. Fanelli to Brian E. Mason, dated September 17, 2021	App.00936- App.00937
20	Declaration of William McLaughlin, dated December 18, 2021 (<i>Filed under seal</i>)	App.00938- App.00959
21	Letter from Brian E. Mason to Sarah B. Rogers, dated September 1, 2021 (<i>Filed under seal</i>)	App.00960- App.00962
22	Letter from Cecelia L. Fanelli to Brian E. Mason, dated September 3, 2021 (<i>Filed under seal</i>)	App.00963- App.00965
23	Amended Expert Report of Daniel L. Jackson, dated October 15, 2021 (<i>Filed under seal</i>)	App.00966- App.01042
24	Deposition transcript of Daniel L. Jackson, dated October 27, 2021 (<i>Filed under seal</i>)	App.01043- App.01086

25	2015-2019 Ackerman Budgets (NRA-AMc_00140814) <i>(Filed under seal)</i>	App.01087- App.01096
26	Letter from Brian E. Mason to Cecelia L. Fanelli, dated October 15, 2021 <i>(Filed under seal)</i>	App.01097- App.01099
27	Letter from Brian E. Mason to Cecelia L. Fanelli, dated September 21, 2021 <i>(Filed under seal)</i>	App.01100- App.01103
28	Letter from Brian E. Mason to Cecelia L. Fanelli, dated September 28, 2021 <i>(Filed under seal)</i>	App.01104- App.01106
29	Letter from Brian E. Mason to Cecelia L. Fanelli, dated September 12, 2021 <i>(Filed under seal)</i>	App.01107- App.01109
30	Declaration of Brian E. Mason, dated October 18, 2021 <i>(Filed under seal)</i>	App.01110- App.01114
31	Excerpt of screenshot of Volume 16 production index	App.01115- App.01116
32	Letter from Sarah B. Rogers to Brian E. Mason, dated October 17, 2021 <i>(Filed under seal)</i>	App.01117- App.01119
33	Deposition transcript of Andrew McLean, dated October 21, 2021 <i>(Filed under seal)</i>	App.01120- App.01215
34	Deposition transcript of Brian Buss, dated October 29, 2021 <i>(Filed under seal)</i>	App.01216- App.01238
35	Declaration of Brian Buss, dated December 20, 2021 <i>(Filed under seal)</i>	App.01239- App.01272
36	Declaration of Andrew McLean dated December 19, 2021 <i>(Filed under seal)</i>	App.01273- App.01422
37	Deposition transcript of Gary B. Goolsby, dated October 12, 2021 <i>(Filed under seal)</i>	App.01423- App.01441
38	Deposition transcript of Gary B. Goolsby, dated August 17, 2021 <i>(Filed under seal)</i>	App.01442- App.01480
39	Supplemental Expert Report of Richard Bergin, dated October 29, 2021 <i>(Filed under seal)</i>	App.01481- App.01505
40	Ryan W. Miller, <i>Angry over diversity in children's show, NRA TV depicts 'Thomas & Friends' in KKK hoods</i> , USA Today (Sept. 12, 2018)	App.01506- App.01507

41	Robert J. Spitzer, <i>What's behind NRA TV's grotesque take on 'Thomas & Friends'</i> , CNN (Sept. 14, 2018)	App.01508- App.01512
42	Danielle Cinone, <i>'Thomas & Friends' owner fires back after NRA show portrays characters in KKK hoods</i> , New York Daily News (Sept. 14, 2018)	App.01513- App.01517
43	Danny Hakim, <i>In N.R.A. Power Struggle, Insurgents Seek to Oust Wayne LaPierre</i> , The New York Times (April 26, 2019)	App.01518- App.01521
44	Eli Watkins and Kate Sullivan, <i>New York Attorney General investigating NRA finances amid group's internal dispute</i> , CNN (April 29, 2019)	App.01522- App.01524
45	Mark Maremont, <i>New York Attorney General Probes NRA as Oliver North Exits as President</i> , The Wall Street Journal (April 27, 2019)	App.01525- App.01529
46	Letter of John Frazer, Esq. to Gina Betts, Esq., dated March 4, 2020. (NRA-AMc_00199046—00199047) (<i>Filed under seal</i>)	App.01530- App.01532
47	Letter from Wilson H. Phillips, Jr. to Bill Winkler, copy to Craig Spray and Wayne LaPierre dated August 8, 2018 (AMc-058776-8) (<i>Filed under seal</i>)	App.01533- App.01536
48	Letter from William Winkler to Wilson H. Phillips, Jr., copy to Craig Spray and Wayne LaPierre dated August 13, 2018 (AMcTX-00002893) (<i>Filed under seal</i>)	App.01537- App.01539
49	Letter draft from Wilson H. Phillips to Bill Winkler, dated August 14, 2018 (<i>Filed under seal</i>)	App.01540- App.01541
50	Letter from William Winkler to Wilson H. Phillips, Jr. dated August 27, 2018 (AMcTX-00003702—00003703) (<i>Filed under seal</i>)	App.01542- App.01544
51	Deposition transcript of Susan Dillon, dated July 28, 2021 (<i>Filed under seal</i>)	App.01545- App.01582
52	Declaration of John Frazer, dated December 20, 2021 (<i>Filed under seal</i>)	App.01583- App.01601
53	Letter from William Winkler to Wayne LaPierre, dated April 22, 2019 (NRA-AMc_00091616) (<i>Filed under seal</i>)	App.01602- App.01607
54	Letter from William Winkler to Craig Spray dated April 22, 2019 (NRA-AMc_00091626) (<i>Filed under seal</i>)	App.01608- App.01609
55	Letter from William Winkler to Tyler Schropp dated April 22, 2019 (NRA-AMc_00069188) (<i>Filed under seal</i>)	App.01610- App.01611
56	Mark Maremont, NRA Chief Wayne LaPierre Questioned on Travel Expenses, The Wall Street Journal (May 2, 2019)	App.01612- App.01614

57	Mark Maremont, Leaked Letters Reveal Details of NRA Chief's Alleged Spending, The Wall Street Journal (May 11, 2019)	App.01615- App.01617
58	Deposition transcript of William Powers, dated August 2, 2021 (<i>Filed under seal</i>)	App.01618- App.01664
59	Declaration of Andrew Arulanandam, dated December 20, 2021 (<i>Filed under seal</i>)	App.01665- App.01741
60	Deposition Transcript of Melanie Montgomery, dated March 31, 2021 (<i>Filed under seal</i>)	App.01742- App.01800
61	Declaration of Richard Tedrick, dated December 19th, 2021 (<i>Filed under seal</i>)	App.01801- App.01805
62	Wayne LaPierre Handwritten Notes (NRA-AMc_00091712 - 00091749) (<i>Filed under seal</i>)	App.01806- App.01844
63	Deposition transcript of Anthony J. Ferate, dated July 08, 2019 (<i>Filed under seal</i>)	App.01845- App.01923
64	Declaration of Wayne LaPierre, dated December 20, 2021 (<i>Filed under seal</i>)	App.01924- App.01965
65	Danny Hakim, NRA Shuts Down Production of NRATV, The New York Times (June 25, 2019)	App.01966- App.01968
66	Declaration of Craig Spray, dated May 04, 2020 (<i>Filed under seal</i>)	App.01969- App.01973
67	Declaration of Todd Grable, dated September 01, 2021 (<i>Filed under seal</i>)	App.01974- App.01976
68	2004 Tedrick Audit Report (NRA-AMc_00185512) (<i>Filed under seal</i>)	App.01977- App.01980
69	Letter from Andrew Arulanandam to Melanie Montgomery, dated June 11, 2019 (NRA-AMc_00060122 - NRA-AMc_00060123) (<i>Filed under seal</i>)	App.01981- App.01983
70	Deposition transcript of Dan Boren, dated November 3, 2020 (<i>Filed under seal</i>)	App.01984- App.02051
71	Deposition transcript of AMC 30(b)(6) William Winkler, dated March 26, 2021 (<i>Filed under seal</i>)	App.02052- App.02357
72	Trial Testimony of Michael Erstling, dated April 21, 2021 (<i>Filed under seal</i>)	App.02358- App.02709

73	Letter from Sarah Rogers to Jay Madrid dated December 21, 2018 (<i>Filed under seal</i>)	App.02710- App.02712
74	Letter from Jay Madrid to Steven Hart, dated January 4, 2019 (<i>Filed under seal</i>)	App.02713- App.02718
75	Deposition transcript of Gayle Stanford, dated March 25, 2021 (<i>Filed under seal</i>)	App.02719- App.02779
76	NYAG v. NRA Complaint	App.02780- App.02949
77	Letter from Stephen Ryan to William H. Brewer, dated August 22, 2018 (AMcTX-00065340) (<i>Filed under seal</i>)	App.02950- App.02953
78	Deposition transcript of Thomas R. Tedrick, dated August 31, 2021 (<i>Filed under seal</i>)	App.02954- App.03049
79	Letter from Melanie Montgomery to Andrew Arulanandam, dated September 27, 2019 (<i>Filed under seal</i>)	App.03050- App.04111
80	Letter from Cecelia L. Fanelli to Brian E. Mason, dated September 9, 2021 (<i>Filed under seal</i>)	App.04112- App.04113
81	Expert report of Daniel L. Jackson dated June 15, 2021 (<i>Filed under seal</i>)	App.04114- App.04177
82	Letter from Cecelia L. Fanelli to Brian E. Mason, dated September 14, 2021 (<i>Filed under seal</i>)	App.04178- App.04180
83	Letter from Cecelia L. Fanelli to Brian E. Mason, dated September 24, 2021 regarding Dashboard Safety Concerns (<i>Filed under seal</i>)	App.04181- App.04182
84	Letter from William Winkler to Wayne LaPierre, dated April 22, 2019 (NRA-AMc_00091624) (<i>Filed under seal</i>)	App.04183- App.04187
85	Memo from Oliver North Dated April 25, 2019 (NRA-AMc_00161960) (<i>Filed under seal</i>)	App.04188- App.04191
86	Email from Chuck Cooper to Steven Hart, dated April 28, 2019 (NRA-AMc_00185755) (<i>Filed under seal</i>)	App.04192- App.04196
87	Declaration of Autumn Kraus, dated December 20, 2021 (<i>Filed under seal</i>)	App.04197- App.04229
88	Declaration of Matthew Klink, dated December 20, 2021 (<i>Filed under seal</i>)	App.04230- App.04259
89	Declaration of Carolyn Meadows, dated December 20, 2021 (<i>Filed under seal</i>)	App.04260- App.04269
90	Declaration of Gary B. Goolsby, dated December 19, 2021 (<i>Filed under seal</i>)	App.04270- App.04357
91	Declaration of Jonathan E. Hochman, dated December 20, 2021 (<i>Filed under seal</i>)	App.04358- App.04581

92	Declaration of Larry Kanter, dated December 20, 2021 (<i>Filed under seal</i>)	App.04582- App.04633
93	Declaration of Charles Cotton, dated December 20, 2021 (<i>Filed under seal</i>)	App.04634- App.04661
94	Exhibit 339 from the Deposition of Andrew McLean (<i>Filed under seal</i>)	App.04662- App.04677
95	Expert Report of Jonathan E. Hochman dated June 01, 2021 (<i>Filed under seal</i>)	App.04678- App.04725
96	Supplemental Expert Report of Jonathan Hochman, dated October 22, 2021 (<i>Filed under seal</i>)	App.04726- App.04897
97	Rebuttal Expert Report of Daniel Jackson, dated July 01, 2021 (<i>Filed under seal</i>)	App.04898- App.04974
98	Amended and Updated Expert Report of Brian Buss, dated October 21, 2021 (<i>Filed under seal</i>)	App.04975- App.05004

Dated: December 20, 2021

Respectfully submitted,

BREWER, ATTORNEYS & COUNSELORS

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically served via the Court's electronic case filing system upon all counsel of record on this 20th day of December 2021.

/s/ Cecelia L. Fanelli
Cecelia L. Fanelli